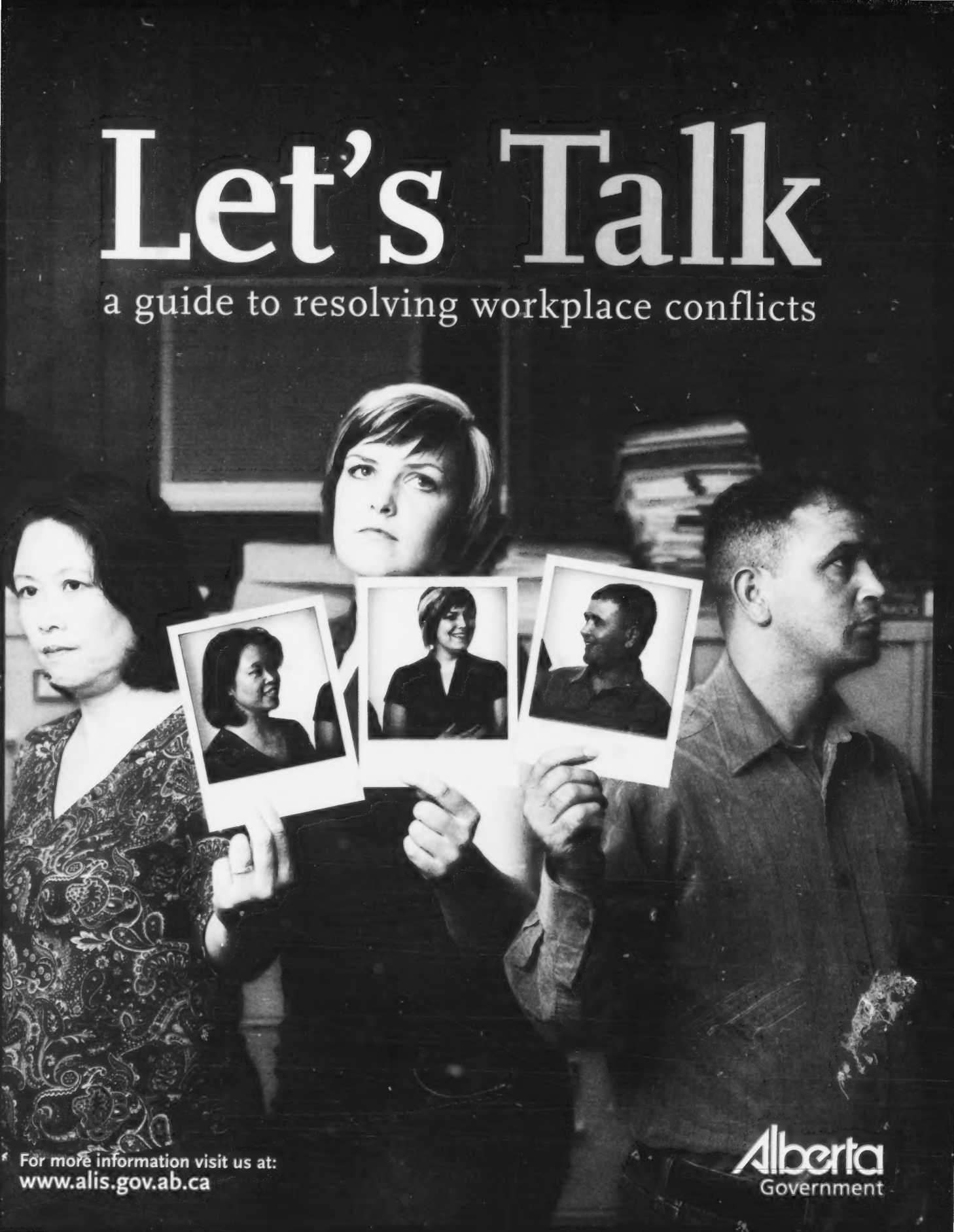
Let's Talk

a guide to resolving workplace conflicts



For more information visit us at:
www.alis.gov.ab.ca

Alberta Government

Catalogue Item # 686438

This publication is available to view or order on-line at www.alis.gov.ab.ca/careershop. Additional copies can be ordered from the Learning Resources Centre by telephone at (780) 422-9750 or by fax at (780) 427-5775.

For copyright information, contact:
Alberta Employment, Immigration and Industry
People, Skills and Workplace Resources
Telephone (780) 422-1794 Fax (780) 422-5319
E-mail info@alis.gov.ab.ca

© 2004, 2007 Government of Alberta,
Department of Employment, Immigration and Industry

This material may be used, reproduced, stored or transmitted for non-commercial purposes. However, Crown copyright is to be acknowledged. It is not to be used, reproduced, stored or transmitted for commercial purposes without written permission from the Government of Alberta, Employment, Immigration and Industry. This publication is not for resale unless licensed with Government of Alberta, Employment, Immigration and Industry. Every reasonable effort has been made to identify the owners of copyright material reproduced in this publication and to comply with Canadian copyright law. The publisher would welcome any information regarding errors or omissions.

Government of Alberta, Employment, Immigration and Industry publications may contain or reference publications, trademark, patent or copyright held by third parties ("third party material"), identified with a credit to the source. This does not grant the user a licence or right to that third party material. Users who wish to reproduce any third party material in this publication should seek permission from that third party.

This information was accurate, to the best of our knowledge, at the time of printing. Labour market information and educational programs are subject to change, and you are encouraged to confirm with additional sources of information when making career, education and employment decisions.

ISBN 978-0-7785-5392-2

02/2003 – 40M
09/2007 – 20M

Cover printed on 25% post-consumer recycled paper.
Inside text printed on 30% post-consumer recycled paper.

Table of Contents

2 Why a Book on Dispute Resolution?

Is This Publication for You?

Coming to terms—defining words

4 When There Are Differences—Conflicts and Ways of Dealing With Them

Do you need appropriate dispute resolution in your workplace?
- *Conflicts—the good*
- *Conflicts—the bad and the ugly*

Better sooner than later—the case for early intervention

6 Building Better Workplaces Through Issue-Based Problem-Solving

The following steps will help you prepare for using issue-based problem-solving
- *Get ready*
- *Get set*
- *Go!*

Step 1—exploring issues

Step 2—understanding interests

Step 3—developing options

Step 4—choosing a solution
- *First Cut—interests*
- *Second Cut—resources*
- *Third Cut—saleability*

Step 5—implementing the solution

Step 6—evaluating the outcomes

A matter of respect

21 Reading From the Same Page

Issue-based problem-solving checklist

21 The Right Words and the Right Questions

Let questions open, not shut, doors

Take it one at a time

Reflect, repeat and rephrase

Make your point and listen to others

23 Facilitation—Bringing in Outside Help

Finding suitable help—what to look for in facilitators and consultants

25 Resolving Differences in the Workplace—Why Should You Care?

Adding up the advantages

Added bonuses in the workplace and beyond

27 Putting Problem-Solving to Work in Unionized Environments

Case 1: A different path to agreement

Case 2: Dealing with workplace harassment and discrimination

29 Government Contact Information

Alberta Employment, Immigration and Industry (AEII)

Other provincial government resources

Why a Book on Dispute Resolution?

Employers and employees are increasingly looking for ways to work out workplace differences. Alberta Employment, Immigration and Industry receives many requests for information on how to settle workplace disputes, including how to use issue-based problem-solving and facilitation. Information about these procedures for early dispute resolution is available from many sources. However, this guide pulls the essentials together in an easy-to-read resource that reflects Alberta workplace realities and includes recommended techniques on issue-based problem-solving adapted by Alberta Employment, Immigration and Industry. The publication is not intended as legal advice.

© Government of Alberta, Employment, Immigration and Industry

Is This Publication for You?

If you ever experience disagreements in the workplace, this publication is for you. It's all about sitting down and talking rather than standing up and confronting people.

The conflict resolution method described in this publication can help employees, employers, supervisors, union members and representatives, business owners and managers, and board members. The procedures can work whether your organization is large or small, for profit or not-for-profit.

Where there is a union and a collective agreement, the method discussed here complements, not replaces, traditional collective bargaining or grievance procedures. Within unionized environments, the approach presented can be used as a strategy to settle disputes before using mediation and arbitration as defined in collective agreements and Alberta's labour relations laws. Some existing collective agreements and letters of agreement between unions and employers already provide for early dispute resolution through issue-based problem-solving method described in this publication.

Coming to terms—defining words

Here are some other terms and definitions to keep in mind while reading this publication.

Arbitration
A method of settling a dispute by having an impartial arbitrator or arbitration board hear the positions of the parties and issue a decision, frequently referred to as an award, resolving the matter.

Collective Agreement
An agreement in writing between an employer or employers' organization and a bargaining agent containing terms of employment binding on the employer, the union or bargaining agent and the employees covered by the agreement.

Dispute
In this publication, dispute is used to mean workplace conflicts and disagreements. In a unionized workplace, the term normally refers to a situation where an employer and a trade union representing the employees cannot agree upon the terms and conditions of a collective agreement.

Facilitator and Facilitation
A facilitator is an independent person trained to oversee and work with persons who have disputes. Through the facilitation process, the facilitator encourages sharing of information and views that will lead to a mutually satisfactory solution to the dispute.

Grievance
A disagreement over the interpretation or application of a provision in a collective agreement.

Grievance Procedure
The process contained in a collective agreement for the settlement of disagreements over the interpretation or application of a provision in a collective agreement.

Mediator and Mediation
These words have rather specific meanings in connection with collective agreements and bargaining in Alberta. However, early intervention to deal with disputes before they reach formal mediation sometimes may be referred to as mediation. In those cases, a third person, acting as a facilitator, may be called a mediator. Where possible, this publication uses facilitation and facilitator to describe early mediation and the person who conducts it.

© Government of Alberta, Employment, Immigration and Industry

When There Are Differences—Conflicts and Ways of Dealing With Them

Disagreements, whether involving individuals, groups or even nations, come in many shapes and sizes. So do the ways of dealing with various conflicts. Perhaps the simplest, though not always the best way, is to ignore the issue. How often have you heard someone say, "Oh, forget about it" and then move on or at least try to move on? Sometimes, the words or the attempt to forget about it just don't work out. The problem affects other situations or just doesn't go away.

If turning your back on matters is at one end of the scale, then war is at the other end. However, war usually settles matters at a tremendous cost—in terms of death, injury and destruction. There have to be better ways, and there are.

Winston Churchill once said, "It is always better to jaw-jaw than to war-war." It was his way of emphasizing the value of talking rather than coming to blows to settle disputes. Between the extremes of "ignore" and "war" there are many ways that words are used. Some are fairly informal and may just involve one-on-one discussion between those with a disagreement. Other procedures are much more formal and involve taking cases to courts of law or tribunals.

Various means exist for dealing with disputes before they go to court. They include informal discussions or negotiation, consultation or facilitation and mediation or arbitration. There are also many specific methods within these procedures, sometimes grouped together as alternative dispute resolutions. The variations include issue-based problem-solving and facilitation, two valuable tools for early, low-level conflict resolution.

This publication only covers the more informal portion of the above options, providing information on appropriate dispute resolution methods that use discussion or negotiation and consultation or facilitation to improve workplace relations.

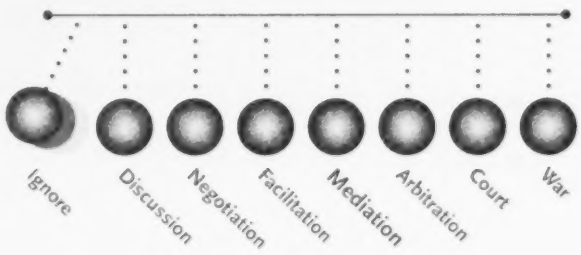
Do you need appropriate dispute resolution in your workplace?

All work settings, big or small, likely need some form of appropriate dispute resolution or already have a process in place.

Conflicts—the good

It would be an unusual workplace without any differences of opinion. Likely, it would be a dull place with no competing suggestions on how to do things.

It would also be a place stuck in the past without any new ideas on how to run the operation or create and deliver products and services. Conflicts can be positive. You've likely heard of creative conflict and tension.



Conflicts—the bad and the ugly

The trouble isn't necessarily with conflicts but with how we deal with them. Many conflicts, if unresolved, can affect the workplace negatively. There can be many sources of conflict in an organization, including:

- how people talk (or don't talk) to each other
- how information is shared and handled (who is in the know, who is not)
- how people deal with each other (relationships)
- differences in values and what's important (priorities)
- how and when things are done (procedures, scheduling)
- how work and responsibilities are arranged (work structure and distribution).

No doubt you can think of similar examples in your workplace.

You likely also know how unresolved conflicts can negatively impact the workplace, affecting both those who work there and the organization's clients.

Here are some consequences on business success, relationships and quality of life that might result if conflicts are not properly dealt with:

- increased frustration or anxiety
- strained relationships
- loss of sleep
- unhealthy competition between colleagues and work units
- withholding of information
- low morale and motivation
- high employee turnover
- work stoppages and loss of productive work time
- inefficiency and low productivity
- increased worker and customer complaints
- absenteeism
- sabotage.

Better sooner than later—the case for early intervention

One thing leads to another. That's often what happens when people or groups have differences. It's the same in workplaces. Supervisors and workers or co-workers who once had a good working relationship have a falling out and positions harden, eventually leading to the kind of negative outcomes mentioned earlier. You get caught in a downward spiral a bit like the one shown in the following illustration.

Conflict Spiral

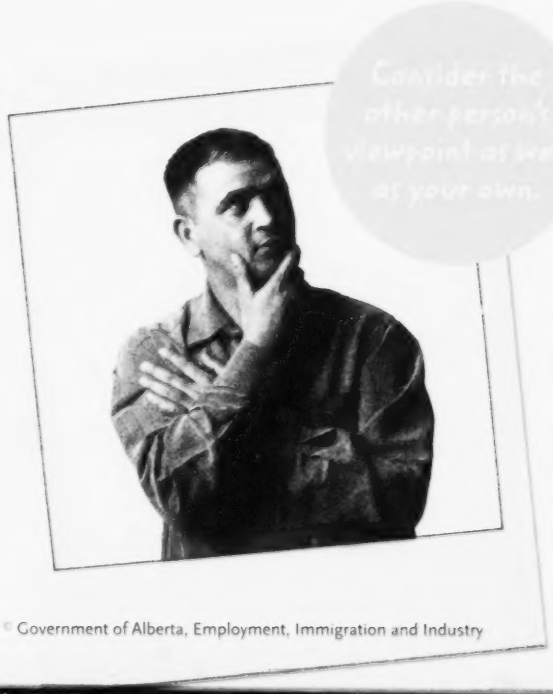
Like a real twister, such conflict spirals can do damage—in this case, to working relationships. There may not be much we can do to stop a tornado, but something can be done to take the wind out of a conflict spiral. The sooner you take action through the kind of dispute resolution described in this publication, the better.

Building Better Workplaces Through Issue-Based Problem-Solving

While good intentions help, they aren't enough to settle differences in the workplace. It's also important to have a clear plan and directions for dealing with disputes. That's what this publication offers.

We call it issue-based problem-solving. That mouthful describes a method that can help resolve workplace disputes between employees and management or among co-workers, groups or departments within an organization. The method is based on conflict settlement methods originally developed at Harvard University. Since then, it has been modified by various individuals and organizations, including facilitators at Alberta Employment, Immigration and Industry.

Issue-based problem-solving offers a proven approach that has worked for others and can help you in your workplace. It's not a quick fix but a new way of talking about and solving conflicts. By moving beyond the outdated idea of having winners *and* losers, issue-based problem-solving can make everyone—employees, employers and those they serve—winners.



The following steps will help you prepare for using issue-based problem-solving

Get ready

Most of us don't like being taken by surprise. If you have a work-related issue you want to talk about or a conflict in the workplace, let the other person(s) involved know what you want to discuss. This helps ensure your discussions get off to a good start. For issue-based problem-solving to work properly, participants must show trust and respect for others involved in the process. Building trust and respect means those involved must keep the content of the discussions confidential until it is agreed the information can be shared with others.

Request a meeting and, if possible, suggest:

- **The purpose.** Briefly state the general reason for the meeting. For example, "I have some questions relating to overtime pay. Could we meet to discuss?". Ask the other persons involved if there is something they want to discuss.
- **The time.** Agree on a suitable time to meet and how long the meeting will last.
- **The place.** Determine a convenient location (on the work site, in an office, in a common area, boardroom or other meeting area or at a neutral off-site location). Consider confidentiality, privacy, noise levels and visibility.

© Government of Alberta, Employment, Immigration and Industry

Get set

Before a meeting where you plan to use issue-based problem-solving, look at the issue through your own eyes as well as the other person's.

It's not just your issue. It will take two people (and perhaps more) to resolve a dispute.

From my viewpoint	From the other person's viewpoint
What do I want?	What might the other person want?
Why is resolving the issue important to me?	Why might resolving the issue be important to the other person?
How would I react if the issue is not resolved?	How would the other person react if the issue is not resolved?
Who do I think needs to be at the meeting?	Who might the other person want at the meeting?
What do I think the other person wants?	What might the other person think I want?
What information can I bring?	What information can the other person bring?
What information do I want the other person to bring?	What information might the other person want me to bring?

Go!

The basic preparation outlined above will help when you start talking and working through the following six-step problem-solving method:

Exploring issues

Understanding interests

Developing options

Choosing a solution

Implementing the solution

Evaluating outcomes

Let's look at each of these steps more carefully.

© Government of Alberta, Employment, Immigration and Industry

Exploring issues

What is an issue?

The topic or subject you need to talk about.
The problem that needs to be solved.

An issue is whatever situation you or others want to resolve. You can probably think of various issues that have cropped up in your workplace. Maybe they had to do with work rules or dress code. Perhaps the problem had something to do with handling of benefits or overtime. Maybe conflicts arose over co-ordinating leave or holidays. Possibly someone offended others by what was said or not said. Someone may be upset about when meetings were scheduled or how they were run. Try to state the issue in a way that makes both of you willing and open to discuss it.

How do you explore issues?

There are three things to keep in mind:

1. Separate the people from the problem.
   Perhaps you get along better with certain employees, supervisors and co-workers than with others. There could be many reasons. It could be that a particular co-worker is co-operative, has similar interests and hobbies or shares your sense of humour. Issue-based problem-solving requires you to set aside judgments about people and their personalities. Forget about your opinion that "Bill is always griping about something." Alternatively, don't be tempted to play favourites: "Sandra, she's on my softball team, so I'd like to help her out."

   The fact is that Bill may have a workplace issue that's every bit as legitimate as Sandra's. Consider what Bill has to say, not what you think of him.

2. Identify the issues by using concrete examples.
   Sara has complained to Mei, her supervisor in a shipping and receiving department. Sara is concerned about having to cover—including answering phone calls—for her co-worker Pardeep who is allowed to slip out early from work before the shift ends at 4:30. Sara has been known in the past to complain about working conditions and doesn't always get along with some co-workers, including Pardeep.

   Mei asks Sara to provide, on a confidential basis, some specific examples of who has left early, including when and how often. Mei also makes the rounds toward the end of several shifts and checks for absenteeism. She keeps track of what she sees. Now she has some concrete examples to bring to the discussion.

3. Take time to explore the issues.
   Ask questions like:

   - Do we agree on what we need to talk about?
   - What do we talk about first? the table?
   - Do we all understand how these issues affect others? (Ask at the end of the discussion.)

   Mei meets separately with each employee she supervises and explains that concerns have been raised about some employees leaving early. She asks whether this is an issue that needs to be dealt with. She also asks whether the employees understand how leaving work early might affect others, including co-workers and customers.

Understanding Interests

STEP #2

What's an interest?

An interest is a concern about an issue. It is why you care about the issue.

Before going further, let's examine what we mean by an interest. You have an interest in an issue if you have a real concern about a matter or if it affects you. It helps if you understand why you and others care about an issue. An issue or parts of it may identify needs, fears, wants or concerns to you as an employee, supervisor, or as a customer or supplier. These interests cause us to take stands or motivate us to act in certain ways.

Here's an example sometimes used to show the difference between an interest and a position. Two cooks, Alberto and Anita, want the last available orange in the kitchen. Alberto needs the peel to make marmalade. Anita wants to squeeze the pulp of the orange to make juice. At first, both Alfredo and Anita take the position that each of them "needs" the whole orange. But their interests differ, as does what they really want. When they talk about why they want the orange and what they will use it for, they learn that they want different parts for different reasons. By talking it over and understanding each other's interests, the cooks find a solution that allows both to get what they require from the orange. Often you'll find that focusing on interests rather than positions is the way to resolve conflicts in your workplace.

The right solution will satisfy the most interests.

Let's return to the shipping and receiving department and check out some of the interests behind the issue. Sara, who first raised the issue of people leaving early, has an interest in having co-workers stay until the end of their shift. That way, she doesn't have to pick up the slack for absent workers. She also has an interest in not having to stay beyond her shift to deal with customers because the department is short-staffed. She values her personal time and also wants her co-workers to respect her time.

Mei, the supervisor, has an interest in making sure that there are enough employees on hand to handle calls and customers. She also has an interest in reducing tension among employees. Mei wants to be fair to employees like Sara and must answer to her own supervisors and senior management if customers complain about delays and poor service. The employer has an interest in meeting customer demands. Those who, like Pardeep, have been leaving early have an interest in not being fired. Pardeep also might have another interest in leaving early beyond just wanting "to get out of here." We are looking for the right solution that will satisfy most of these interests.

How do you understand interests?

Listen for what people need (interest) not what they say they want (positions).

Mei may understand her own interests, but how well does she understand the needs and interests of other people involved? She would like to discover the other peoples' interests but these may not always be clear. People may not always come right out and explain their interest. Sometimes people justify actions or claims by taking a position. Pardeep took a position: "I'm entitled to leave early." Then he went on to say: "Most of the shipments had arrived already or had been delivered by the time I left at 4:15. Lots of people in other departments often leave early. Besides, I've often covered for other people in the past and I've never claimed overtime." The last three statements really are negative expressions of Pardeep's interests: fair treatment with other employees, recognition and compensation for past overtime.

That may be Pardeep's position, but does it really explain why he's interested in leaving early? Rather than dwell on Pardeep's position or what he's actually saying, Mei tries to direct the conversation back to his interests: Why is it important for Pardeep to leave early? Mei does so by asking open-ended questions such as: "Pardeep, can you give some examples of what other demands you might have on your time these days?"

Pardeep admits some things in his life have changed. His wife has a new job and he is now responsible for picking up their three-year-old daughter from day care. His wife uses the family's only car and the bus that stops outside work at the end of Pardeep's shift doesn't get to the day-care centre by 5 o'clock. Pardeep has an interest in taking care of his child. Suddenly, his interest in leaving early seems more understandable than his initial position. Pardeep and others would have been better off by stating their real interests right away.

Focus on interests by:

- asking open-ended questions
  - What is important about the issue?
  - Why does the other person take a particular position?
- communicating your own interests
  - What is important to you and why?
- probing further to understand fears or concerns
- looking at what you need, not at what you have
- emphasizing areas of common ground (without losing sight of different, separate or opposing interests).

Mei tells Pardeep she understands that it is important for him to get to the day-care centre in time to pick up his daughter. Mei asks Pardeep whether he sees any problems with leaving early and what interest he sees that others—herself, Sara, other employees, the employer and customers—might have in him staying until the end of his shift.

Developing options

STEP #3

What is an option?

A possible solution that satisfies both the shared and separate interests of the people involved in a conflict.

Workplaces are not competitive sports arenas. You're not looking for a winner and a loser. As we saw with the two cooks and the single orange, it's possible to satisfy various interests without having a loser. Our cooks Alfredo and Anita had several options. They included:

- handing Alfredo the whole orange so he could use the skin for marmalade and throw away the pulp
- handing Anita the whole orange so she could throw away the peel and use the pulp for juice
- cutting the orange in half so that each cook had half of what they needed, while throwing away half the peel and half the pulp
- giving all the peel to Alfredo and all the pulp to Anita.

You can probably think of situations where options were developed in your workplace. For instance, in a manufacturing plant that keeps receiving more orders than it can fill, the options might include hiring more employees, adding shifts, investing in more equipment or subcontracting some production.

How do you develop options?

Generate as many options as you can by brainstorming with people in the room. Often those who are closest to the issue and who are involved in a dispute are in the best position to suggest options.

There is no such thing as a silly idea or a suggestion that is off base at the brainstorming stage. Write everything down. At this point, all ideas are valid until you've had a chance to take a closer look. Mei, Sara, Pardeep and others in the shipping and receiving department did that. Here are some options that resulted from their brainstorming:

1. Introduce some flextime by letting Pardeep report for work 15 minutes early and leave 15 minutes early.
2. Reduce Pardeep's work hours (and pay) and bring in a part-time worker.
3. Pardeep buys a second car.
4. Pardeep carpools with another employee who has a child at the same day-care centre.
5. Start a day-care centre at the workplace.
6. Have Pardeep find a different day-care centre closer to the workplace.
7. Fire Pardeep.
8. Have Pardeep ride the company shuttle to catch another bus that reaches the day-care centre before it closes.
9. Move the workplace.
10. Have the city change the bus routes.

To generate as many potential options as possible:

- Brainstorm.
- Ask for ideas.
- Don't judge any option until you run out of ideas.
- Relate each option to the issue–make sure it could be a real solution and identify other options.
- Merge similar or related options.

© Government of Alberta, Employment, Immigration and Industry

Choosing a solution

STEP #4

Q What's a solution?

A A solution is an option that resolves the issue by meeting the stated interests of those concerned. The solution should provide a simple, efficient, affordable, credible, acceptable, flexible and legal answer to the problem.

A solution that creates other problems or disagreements isn't a good solution. Nor are you further ahead if the solution is inflexible or is seen to be unfair. You need some way of choosing a solution and of judging and comparing these options. You need a way to sift through the options and a means to decide which ones are likely to work.

Q How do you choose a solution?

A Use a process that lets you measure or compare the options. Use the comparison process on all the options. Try not to jump to conclusions.

The following three-cut process can help you compare the options. It will help you decide whether the solution meets the concerns of everyone with interests in the issue, whether the means are available to carry out a certain option and whether those with an interest can be sold on the solution that results from applying that option.

First Cut—*interests*
Does this option meet everyone's interests?

Second Cut—*resources*
Are the resources available for this option?

Third Cut—*saleability*
Can we sell this option to those not involved in the process? Who needs to buy in?

Let's return to the shipping and receiving department and consider the options using the three-cut process.

© Government of Alberta, Employment, Immigration and Industry

Does the option meet everyone's interest?

Whose interest is met?	**Option 1: Let Pardeep report for work 15 minutes early and leave 15 minutes early.**	**Option 2: Reduce Pardeep's work hours (and pay) and bring in a part-time worker.**	**Option 3: Pardeep buys a second car.**
Pardeep's	**Yes.**	**No.** Would let him leave early but with reduced pay.	**No.** Would cost him money.
Sara's	**No.**	**Yes.**	**Yes.**
Mei's	**No.**	**No.** It would ensure enough employees available but increase supervisory responsibilities and increase employee tensions.	**Yes.**
Other employees'	**Probably not.** They may feel unfairly treated and want the same option.	**Probably not.** They may feel unfairly treated and want the same option.	**Yes.**
Employer's	**Probably not** if other employees complain about favouring Pardeep.	**Probably not.** Employees might complain and want similar treatment. Adds administrative costs.	**Yes.**
Customers'	**No,** if service worsens.	**Yes.**	**Yes.**

Whose interest is met?	Option 4: Have Pardeep carpool with another employee who has a child at the same day-care centre.	Option 5: Start a day-care centre at the workplace.	Option 6: Have Pardeep find a different day-care centre closer to the workplace.
Pardeep's	**Yes.**	**Yes.**	**Yes,** but may cost more or not be suitable for his daughter.
Sara's	**Yes.**	**Yes.**	**Yes.**
Mei's	**Yes.**	**Yes.**	**Yes.**
Other employees'	**Yes,** if the other employee agrees to carpool.	**Maybe.** Other employees might also benefit from an in-house day care.	**Yes.**
Employer's	**Yes.**	**No,** if it means added costs. **Yes,** if it improves employee morale and retention and decreases absenteeism.	**Yes.**
Customers'	**Yes.**	**Yes,** if service improves.	**Yes.**

© Government of Alberta, Employment, Immigration and Industry

Option 7: Fire Pardeep.	Option 8: Have Pardeep ride the company shuttle to catch another bus that reaches the day-care centre before it closes.	Option 9: Move the workplace.	Option 10: Have the city change the bus routes.
No.	**Yes.**	Only if moved closer to day care.	**Yes.**
Yes, if replacement is satisfactory.	**Yes.**	**Probably not.** Could solve problem of Pardeep leaving early but move could be inconvenient.	**Yes.**
No. Would have to hire and train a new employee.	**Yes.**	**Probably not.** Could solve problem of Pardeep leaving early but could be inconvenient.	**Yes.**
No. May encourage similar firings.	**Yes.**	**No.** Might mean some employees live further from workplace.	**Possibly.** Some might gain from a change and others lose.
No. Will have to pay recruiting, training and administrative cost of hiring replacement.	**Yes.**	**No.** Costly and disruptive option to deal with a problem for one employee.	**Yes,** if it's easier for employees to get to and from work. **No,** if employer has to spend time and resources convincing the city.
Yes, if service improves.	**Yes.**	**No.** Might improve service for some customers but inconvenience others.	**Yes.**

© Government of Alberta, Employment, Immigration and Industry

Options 4, 8 and 10 seem to meet the interests of everyone involved. They offer a possible or preferred solution. While either *option 4 or 8* may work, a combination of the two might provide some flexibility for Pardeep and the other employee in the car pool. This gives the group several options to review under the second cut.

Second Cut—Resources

The group trying to find solutions needs to review these options by asking the following types of questions:

- Do we have the resources available for this option? *Yes, for options 4, 8 or a combination of the two. No, for option 10.*
- Does the other employee have a vehicle and drive to the day-care centre? *Yes, for option 4 but not relevant for options 8 and 10.*
- Is there space for Pardeep in the shuttle? *Yes, for option 8 but not relevant for options 4 and 10.*
- Can we change the bus routes? *Not relevant for options 4 and 8. Not a viable option for people at the table.*

This review still leaves us with two viable *(4 and 8) options*, and one less viable *(10) option*. Now we have to reconsider the options in terms of saleability.

Third Cut—Saleability

- Will the other employee agree to give Pardeep a ride? *Yes.*
- Will Pardeep agree to carpooling or taking the company shuttle? *Yes.*
- Can we sell these options to others who need to buy in, including Mei, Sara, other employees, the employer, customers, city and transit?

After considering saleability, we have further narrowed the choice.

Consider saleability.

© Government of Alberta, Employment, Immigration and Industry

Implementing the solution

STEP #5

How do you implement a solution?

Prepare a plan and act. That includes deciding what will be done, who will do it, how they will do it, when will it begin, when will it be completed and if any special steps or checkpoints need to be included along the way.

Finding a solution in Pardeep's case was fairly simple and straightforward. The same is true for implementing the solution. Mei, the supervisor, agreed to check out whether the other employee would carpool as well as confirm departure times of the shuttle and reserve a spot for Pardeep, who agreed to use the new transportation as soon as these arrangements were made.

Consider feedback mechanisms.
Suggestion boxes are one way to gather feedback as part of regular performance appraisals.

Evaluating the outcomes

STEP #6

Why evaluate the success of the outcome?

Measuring the success of what you've implemented will let you know if the solution was the right choice.

Questions to ask about measuring success:

- What will you measure?
- Who will measure?
- Who will know about the success?
- If the solution is not a success, what will you do to remedy the situation?

Admittedly, the dispute in the shipping and receiving department might appear pretty simple. It was agreed Mei would check back in a couple of weeks with Sara and Pardeep to see how the new arrangement was working. Other workplace disputes may be more complex and may require more detailed follow-up or more specific benchmarks of success. You might want to consider different ways to chart your progress, or use newsletters, one-on-one or group meetings to evaluate how things are going. Consider other possible feedback mechanisms, including suggestion boxes (possibly on-line), or gather feedback as part of regular performance appraisals.

A matter of respect

By now you've probably realized that there's really nothing mysterious about six-step issue-based problem-solving. Essentially, it's a process that depends on listening to and respecting others, treating them as you would want them to treat you.

© Government of Alberta, Employment, Immigration and Industry

Reading From the Same Page

When playing a game or a sport, it's a lot easier if everyone plays by the same rules. It's also helpful if you know the rules in advance. While it doesn't involve a win-lose situation like a game or sport, issue-based problem-solving does share a similar characteristic: the best solutions will result if everyone is familiar with and follows the same rules.

The previous section went into some detail on how six-step problem-solving works. The following table summarizes the key points. You might want to keep this table on hand before, during and after using issue-based problem-solving in your workplace. There's no point in keeping this material to yourself. The more it is shared and understood, the better the method will work.

Issue-based problem-solving checklist

Explore Issues

STEP #1

What is an issue?

Topic or subject you need to talk about.
The problem that needs to be solved.

Actions and Reminders

- ❍ Separate the people from the problem.
- ❍ Identify the issues by using concrete examples.
- ❍ Take time to explore the issues.

Ask

- ❍ Do we agree on what we need to talk about?
- ❍ What do we talk about first?
- ❍ Is everything on the table?
- ❍ Do we all understand how the issues affect others (ask at the end of the discussion)?

Understand Interests

STEP #2

What's an interest?

A concern about an issue.
Why you care about the issue.

Actions and Reminders

- ❍ Consider the needs, fears, wants and concerns about issues.
- ❍ Consider the effect on you, employees, operations and other areas.
- ❍ Consider the right solution will satisfy the most interests.

© Government of Alberta, Employment, Immigration and Industry

Understand Interests *(continued)*

STEP #2

How do you understand interests?
Listen for what people need (interests) not what they say (positions).

Actions and Reminders
- ❍ Focus on interests by asking open-ended questions.
- ❍ Communicate your own interests.
- ❍ Probe further to understand fears, concerns.
- ❍ Look at what you need, not at what you have.
- ❍ Emphasize areas of common ground but keep in mind different,separate or opposing interests.

Ask
- ❍ What is important about the issue?
- ❍ Why do others take the position they do?
- ❍ What is important to you and why?

Develop Options

STEP #3

What is an option?
A possible solution that satisfies both the shared and separate interests of the people involved in a conflict.

Actions and Reminders
- ❍ Generate as many potential options as possible by brainstorming and asking for ideas.
- ❍ Write down options.
- ❍ Don't exclude options. There are no silly options.
- ❍ Don't judge any option until you run out of ideas.
- ❍ Relate each option to the issue.
- ❍ Merge similar or related options.

Ask
- ❍ Could this be a real solution?
- ❍ Are there any other options?

Choose a Solution

STEP #4

What's a solution?
A solution is an option that will resolve the issue by meeting the stated interest of those concerned.

Actions and Reminders
- ❍ Set objective standards so that you can compare and judge options.
- ❍ Select a process that can be used to measure or compare options, such as the three-cut process.
- ❍ Use the comparison process on all the options.
- ❍ Try not to jump to conclusions.

Ask
- ❍ Does the solution provide a simple, efficient, affordable, credible, acceptable, flexible and legal answer to the problem?

© Government of Alberta, Employment, Immigration and Industry

How do you choose a solution?	Actions and Reminders	Ask
Use a process that measures or compares the options. Use the comparison process on all the options. Try not to jump to conclusions.	Use the three-cut process to assess each option in relation to: ❍ First Cut—interests ❍ Second Cut—resources ❍ Third Cut—saleability	❍ Does this option meet everyone's interests? ❍ Do we have the resources available for this option? ❍ Can we sell this option to those not involved in the process? ❍ Who needs to buy in?

What are key requirements for implementing the solution?	Actions and Reminders	Ask
Planning and action.	❍ Make a plan. ❍ Take action to carry out the plan.	❍ What must be done? Who will do it? How will they do it? ❍ When will it begin? When will it be completed? ❍ Are special steps or checkpoints needed?

What is being evaluated or measured?	Ask
Success in implementing the solution.	❍ How will you know if your solution is the right choice? ❍ What will you measure? ❍ Who will know about the success? ❍ If it is not a success, what will you do to remedy the situation?

The Right Words and the Right Questions

Good questioning and good listening are two sides of the same coin: respectful communication.

The six-step issue-based problem-solving method provides a useful tool for finding positive solutions to workplace problems and conflicts. Choosing the right words and setting the appropriate tone are important to the success of issue-based problem-solving. It is intended to set the stage for discussion, not for interrogation. Remember to *talk with* people not *to* or *at* them.

Remember to talk with people, not to or at them.

Let questions open, not shut, doors

The way we ask questions usually influences the answers we get. It may even determine whether we get ananswer at all. Earlier, in talking about understanding interests, we discussed the importance of open-ended questions. Open-ended questions:

- usually start with who, what, where, when, why and how or include phrases like "Could you help me understand," "explain to me," "expand for me"
- usually require more than a yes or no answer.

Some examples of open-ended questions are:

- What would you like to see happen in this situation?
- What do you want us to do to help you?
- What do you think about how things are going here?

In these situations you are giving the other person some leeway on how to respond. The person fielding the question may feel less threatened or less of a target than if asked "Why did you say that?" or "Why didn't you do that?" Try softening these types of questions by starting with an expression such as "Could you help me understand...?" or "What do you think about...?"

Avoid leading questions such as "Don't you think I have a valid point?" Rather than back someone into a corner, provide him or her an "out"—for example, "What's your idea or suggestion?". That question is less likely to result in a "yes" or "no" response and might even open the door to new options.

Take it one at a time

Ask one question at a time. Avoid the temptation of becoming a verbal machine gun. Rapid-fire questions make you sound hostile and probably mean that some of the questions (and answers) get lost.

Reflect, repeat and rephrase

Once you get a reply, you might want to restate or rephrase another person's answer. Consider using phrases such as: "Could you confirm that I've understood you correctly?", "You are saying..." or "So what you're saying is...?"

Not only will rephrasing increase the chances of avoiding misunderstandings, it will also demonstrate to others that you are a good and attentive listener.

Words that acknowledge the other person's perspective ("I hear what you're saying." "This is what I'm hearing.") can help bridge differences.

Make your point and listen to others

A good conversation is two-sided—sometimes we talk and sometimes we listen. It is also balanced; in other words, everyone participates. You need to express your information and interests while questioning, reflecting, repeating and rephrasing what the other person is saying to you.

Question, reflect, repeat and rephrase what the other person is saying to you.

Facilitation—Bringing in Outside Help

You can put issue-based problem-solving to work in your workplace by following the do-it-yourself guidelines outlined in this publication.

This can be a relatively inexpensive way of resolving workplace disputes. It may be best to start with relatively simple problems, progressing to more complex ones as you become more comfortable with the method. Problem-solving is a skill that becomes sharper with practise.

Once you've tried it, you might want to find out more about how issue-based problem-solving can be refined and adapted to your workplace. There is help to be had from conflict resolution practitioners and professional facilitators. They can be especially helpful when disputes are complex or don't lend themselves to more basic one-on-one discussion or issue-based problem-solving. A facilitator might also be brought in when the people involved in a dispute do not feel comfortable talking directly to each other.

Facilitation offers the advantage of involving an independent, impartial person who is trained in helping others find solutions to workplace disputes. The facilitator does this by encouraging those with a dispute to share their information and concerns. A facilitator may be part of meetings attended by those involved in the dispute. Alternatively, the facilitator or mediator may serve as a go-between among those involved. It's important to remember that the facilitator is not there to give advice to anyone or to judge whether a solution is good or bad.

An outside facilitator can help individuals and groups resolve workplace issues by:

- arranging a meeting location and set-up that will encourage discussion
- promoting joint, positive discussion and collaboration
- introducing procedures (such as six-step issue-based problem-solving) that will satisfy interests and meet goals.

A facilitator or mediator can also help discussions by:

- setting time limits for meetings
- helping decide who should attend meetings
- suggesting how participants can prepare for meetings
- addressing concerns about confidentiality
- keeping the discussion focused
- being impartial and neutral
- separating the people and emotions from the issues
- summarizing progress
- clarifying misunderstandings
- making sure various groups or individuals are able to voice their interests and propose options
- calling breaks to let participants reconsider their positions or cool off
- discussing times for future meetings
- suggesting other resources.

Where a solution is found that requires a written agreement, those involved may agree that the facilitator should keep a copy of the signed agreement.

© Government of Alberta, Employment, Immigration and Industry

Finding suitable help—what to look for in facilitators and consultants

Professional facilitators may come from a wide range of employment and volunteer backgrounds, but they all have knowledge and training in facilitation and dispute resolution techniques, a belief in the value of considering a variety of alternatives when resolving disputes and a commitment to high ethical and professional standards. A good facilitator can apply their knowledge and techniques to many different industries and clients.

When seeking facilitators, here are some questions you might want to consider:

- Do they have a track record in dealing with similar situations?
- Do they have formal training in conflict resolution obtained through a reputable program or institution (or extensive, equivalent experience)?
- What type of appropriate dispute resolution training have they taken? Where and when?
- Have they worked with experienced dispute resolution professionals?
- Can they provide references?
- What approach and style do they use for facilitation?
- Can they describe some types of facilitation or mediation in which they have participated and the methods that they have used?
- Do they belong to associations involved in appropriate dispute resolution?
- Are they pledged to follow a code of ethics (can they provide you with a copy)?
- Are they familiar with your type of organization or industry?
- Have they consulted or facilitated in union and non-union environments, whichever applies to your organization?
- Are they experienced in coaching or training people to use dispute resolution procedures such as the six-step issue-based problem-solving method?
- Would they honour confidentiality and privacy?
- Are they acceptable to all groups in the workplace or to everyone involved in a particular dispute?
- If hired to work with your organization, would they face any conflicts of interest?
- Can they provide details of what they charge?
- If the various participants come from different organizations, who will be paying the facilitator and what percentage will each party be responsible for?

If you hire a facilitator, keep in mind the facilitator is running a business and should receive appropriate compensation. The fee will vary depending on a facilitator's experience and the complexity of the case. It's important to find out about fees when considering a facilitator.

It is important that the facilitator or consultant act impartially, be seen as impartial and not appear to have been brought in to represent the interests of only one side.

Resolving Differences in the Workplace—Why Should You Care?

Possible causes for workplace disputes are almost limitless. To name just a few, the disputes could be over:

- selection, hiring, firing, promotions
- misunderstandings or comments about age, race, ancestry, culture, religious beliefs, sexual orientation or other differences
- sexual harassment
- rumours and comments
- performance or rewards
- job security.

For every conflict there is a price to be paid. It may be paid by individuals through psychological stress or poisoned working relationships. It may be paid for by an organization through increased recruitment, hiring and administrative costs, inferior workplace performance or drawn out formal dispute settlements, sometimes through the courts. Alternatively, the price can be paid by investing time, effort and resources into solving the disputes as soon as possible.

It may be hard to make dollar comparisons. However, if disputes can be improved or settled early and at a low level, they can prevent conflict escalation, limit damage and preserve existing relationships. It will save organizations time and money, while reducing stress and anxiety for individuals.

Using six-step issue-based problem-solving does require a time commitment to become familiar with and to apply the method. Hiring conflict resolution professionals for facilitation will likely require additional resources. Either way, the effort is worthwhile.

Talking may not always be cheap but,in most cases, not talking costs more.

Adding up the advantages

Issue-based problem-solving can benefit you and your workplace by:

- giving employees, employers and supervisors a sense of ownership, fairness and self-direction
- providing everyone a voice
- building trust in management and among employees
- helping to maintain good working relationships
- increasing appreciation of others' interests
- opening discussion of issues beyond the immediate cause of the conflict
- encouraging creative options and flexible solutions
- improving communication within organizations
- supporting diversity by valuing and acknowledging differences
- avoiding imposed solutions
- saving employers, employees or unions time and money
- limiting work disruptions and lost productivity
- reducing employee turnover and associated hiring costs
- upholding human rights and personal dignity
- fostering cultural change in the workplace
- increasing employee contributions to workplace.

© Government of Alberta, Employment, Immigration and Industry

Added bonuses in the workplace and beyond

This publication can help you deal with conflicts directly at an early stage and at the lowest possible level. Use issue-based problem-solving to put out workplace fires before disputes become more complex or costly.

Issue-based problem-solving is also about prevention. By moving beyond the expectation that conflicts must always produce winners at the expense of losers, issue-based problem-solving leads to solutions that benefit everyone. Dealing effectively with confrontations also results in a more efficient, productive and, if that's the aim, a more profitable organization.

While the focus has been on the workplace, by now you probably realize that once you feel comfortable with six-step issue-based problem-solving you can use it outside the workplace. You might find the technique useful in dealing with family disputes or in sorting out disagreements that arise within associations, religious groups, unions or elsewhere in the wider community.

Issue-based problem-solving leads to solutions that benefit everyone.

Putting Problem-Solving to Work in Unionized Environments

Unions and employers in a number of Alberta workplaces are committed to using informal dispute resolution procedures such as the method outlined in this publication as part of their collective agreements. The following case studies show how this method is being used in a couple of unionized settings.

Case 1: A different path to agreement

A large, integrated Alberta organization with several thousand employees, most belonging to unions with collective agreements, faced a situation where one union alone had almost 100 outstanding grievances filed under its collective agreement. The employer had undergone significant restructuring. It was time to try something different, so the unions and management successfully worked together to design a new process for settling workplace disagreements.

This joint effort resulted in a commitment by the unions and management to use an interest-based approach (i.e. flexible, respectful, non-adversarial) to problem-solving. Now, workers and supervisors with disagreements are encouraged to resolve issues through early, direct discussion at the lowest level of the organization and involve as few people as possible. This requires making an honest effort to understand each other's needs or interests and discussing options leading to a solution agreeable to everyone.

If employees are not satisfied with the result of a problem-solving attempt with their supervisor, or if the employees feel uncomfortable attempting a one-on-one discussion with their supervisor, the process can move to consultation. The frontline supervisor and the worker attend the consultation meeting, along with a union representative (usually a business agent or shop steward) and a human resources representative who act as facilitators. The facilitators' main role is to create a climate for effective problem-solving and to lead the participants through a problem-solving approach that includes examining issues, interests, options and finding a solution. Sometimes the facilitators suggest options or solutions, but they do not advocate a position. It may take a follow-up consultation before those involved agree on a solution.

If the consultation stage does not produce satisfactory results, the dispute may be advanced to the formal review stage. Then, those directly affected by the dispute, along with human resources and union representatives, meet with the department general manager, who serves as facilitator. Just as in consultation, agreements reached at formal review are confidential, are confirmed in writing and don't prejudice the legal or contractual rights of the parties. If an agreement is not reached, either side can take the grievance or dispute to arbitration.

A key factor contributing to the success of this new dispute resolution process was training in interest-based problem-solving and facilitation training for human resources and union representatives. Hundreds of employees, managers, supervisors and union representatives have attended employer-sponsored seminars on collaborative problem-solving. This training continues to be provided on an ongoing basis.

Efforts are paying off, and according to a union business agent: "A lot of issues are solved at the consultation stage—especially where there is a problem but no clear violation of the collective agreement. I think we are able to achieve more under this process."

For one human resources officer, it means that the traditional roles of human resources and union representatives, as advocates of either the management or union perspective on an issue, have changed. "As facilitators, we assist the parties to arrive at a solution that they can both agree on—and that works very well."

© Government of Alberta, Employment, Immigration and Industry

Case 2: Dealing with workplace harassment and discrimination

Harassment, and discrimination based on characteristics such as race, gender, disability and religious beliefs, is sometimes hard to prove. Even if never proven, claims of workplace harassment and discrimination, left unresolved, can poison working environments. Harassment or discrimination claims may also trigger grievances under some collective agreements. At times, those affected may press matters further through the Alberta Human Rights and Citizenship Commission or through civil or criminal courts. This can be time-consuming and costly. Once formal procedures begin, it can be hard to settle the differences and restore good working relationships.

A large Alberta employer, along with its unions, realized the value of dealing with sexual harassment and on-the-job discrimination quickly and at the lowest level possible. The employer and the unions acknowledged difficulties in using grievance procedures under a collective agreement to settle harassment and discriminatory disputes. Instead, they adopted an informal harassment and discrimination complaints procedure.

Employees with such concerns are first encouraged to talk to their supervisor. However, that is not always practical, especially if an employee feels the supervisor is part of the problem.

To help the process, all employees can access any one of about 20 employee contacts pledged to confidentiality. Although contacts are trained in the informal complaints process, they don't offer advice on resolving conflicts. However, they do help employees better understand harassment and discrimination. For those employees who believe they've suffered harassment or discrimination, these contacts can recommend help, including assistance from an outside facilitator.

Those involved in a dispute have the voluntary option of informal mediation or facilitation. An independent mediator or facilitator, paid for by the employer but acceptable to all, examines the conflict. Then, by talking to those directly involved and using issue-based problem-solving, the facilitator helps find a solution.

If this leads to a mutually satisfactory solution, the parties sign an agreement. Only those directly involved in the mediation, including the facilitator, keep copies of the agreement. That can end the matter. No information about the agreement or the conflict reaches other managers or the unions.

If the informal process fails, the next step could be a formal investigation where an investigator's findings are submitted to the organization's chief executive for a decision. This decision can be appealed to the employer's board of directors, through the courts or through the Alberta Human Rights and Citizenship Commission.

So far, three investigations and one appeal have occurred, a sign for an employer representative that the informal problem-solving is working. "When we get to a formal investigation, it means we've failed. Neither informal mediation nor formal investigation is cheap. But contrast that with not protecting a working relationship and having the issue hanging unresolved over the people's heads. "

Government Contact Information

Alberta Employment, Immigration and Industry (AEII)

AEII has print and on-line resources, contact centres and a provincewide network of service centres to provide employers and employees with information on workplace supports, worker safety, employment standards, career and education planning, transitions, training programs, occupations and work search. For more information on programs and services offered visit **www.employment.alberta.ca**. In addition, AEII's Workplace Partnerships Branch works with employers, employees, safety and industry associations, unions, and chambers of commerce to ensure Alberta workplaces have access to solutions for their workplace relationship requirements.

For more information:
Email: workplace.effectiveness@gov.ab.ca
Call: Toll-free 310-0000 and then dial (780) 415-0529
(in Edmonton and surrounding areas dial 415-0529)

Deaf and hard of hearing callers with a TTY:
Call (780) 427-9999 in Edmonton or 1-800-232-7215 throughout Alberta

AEII career, learning and employment publications

The department produces a variety of publications on workplace supports, career and education planning, occupational information and work search. To find out more about our publications:

- call the Alberta Career Information Hotline at 1-800-661-3753 toll-free or (780) 422-4266 in Edmonton
- visit the Alberta Learning Information Service (ALIS) website at **www.alis.gov.ab.ca/careershop** to view, download or order your copy
- visit an AEII service centre. Call the Career Information Hotline to find the centre nearest you.

Employment Standards Contact Centre

Call or e-mail the Employment Standards Contact Centre for information about the minimum rights and responsibilities of employers and employees relating to:

- employer records
- minimum wage
- hours of work and overtime
- general holidays, vacations and pay
- maternity and parental leave
- termination of employment
- adolescent and young person employment.

Phone: 310-0000 toll-free and enter (780) 427-3731 in Alberta
Phone: (780) 427-3731 in Edmonton
Persons who are deaf or hard of hearing with TTY units call (780) 427-9999 in Edmonton or 1-800-232-7215 toll-free in other Alberta locations.
E-mail: employment.standards@gov.ab.ca
Website: **www.employment.alberta.ca/employmentstandards**

© Government of Alberta, Employment, Immigration and Industry

Workplace Health and Safety Contact Centre

Call or e-mail the Workplace Health and Safety Contact Centre for information about:

- the *Occupational Health and Safety Act, Regulation* and *Code*
- unsafe work practices and workplaces
- workplace hazards
- health and safety planning.

Phone: 1-866-415-8690 toll-free in Alberta
Phone: (780) 415-8690 in Edmonton
Persons who are deaf or hard of hearing with TTY units call (780) 427-9999 in Edmonton or 1-800-232-7215 toll-free in other Alberta locations.
E-mail: whs@gov.ab.ca
Website: **www.employment.alberta.ca/whs**

Other provincial government resources

Alberta Human Rights and Citizenship Commission

The Commission provides public information and education programs and helps Albertans resolve human rights complaints.

Northern Regional Office: (780) 427-7661 in Edmonton
Southern Regional Office: (780) 297-6571 in Calgary
Toll-free in Alberta: 310-0000 and enter the 10-digit regional office phone number.
TTY service for persons who are deaf and hard of hearing:
Toll-free in Alberta: 1-800-232-7215
Edmonton: (780) 427-1597
Calgary: (780) 297-5639

Website: **www.albertahumanrights.ab.ca**
Due to confidentiality concerns, the Commission cannot accept or respond to complaints of discrimination by e-mail.

Government of Alberta Call Centre

Contact the Government of Alberta Call Centre for general inquiries on Alberta government programs and services.

Phone: 310-0000 toll-free in Alberta
Persons who are deaf or hard of hearing with TTY equipment call (780) 427-9999 in Edmonton or 1-800-232-7215 toll-free in other Alberta locations.
Phone lines are open from 8 a.m. to 6 p.m. (Monday to Friday) and voice mail is available after hours.
Website: **www.services.ab.ca**

© Government of Alberta, Employment, Immigration and Industry

Feedback
We'd like to hear from you ...

Let's Talk: A guide to resolving workplace conflicts

Date

Send your comments to the address or fax number provided at the bottom of this page:

What specific information in this publication did you find useful? How did it help you?

How could we improve this publication? What was not useful?

Do you have any suggestions for other information or other publications that would be of value to you?

Please return this form to

People, Skills and Workplace Resources, Alberta Employment, Immigration and Industry

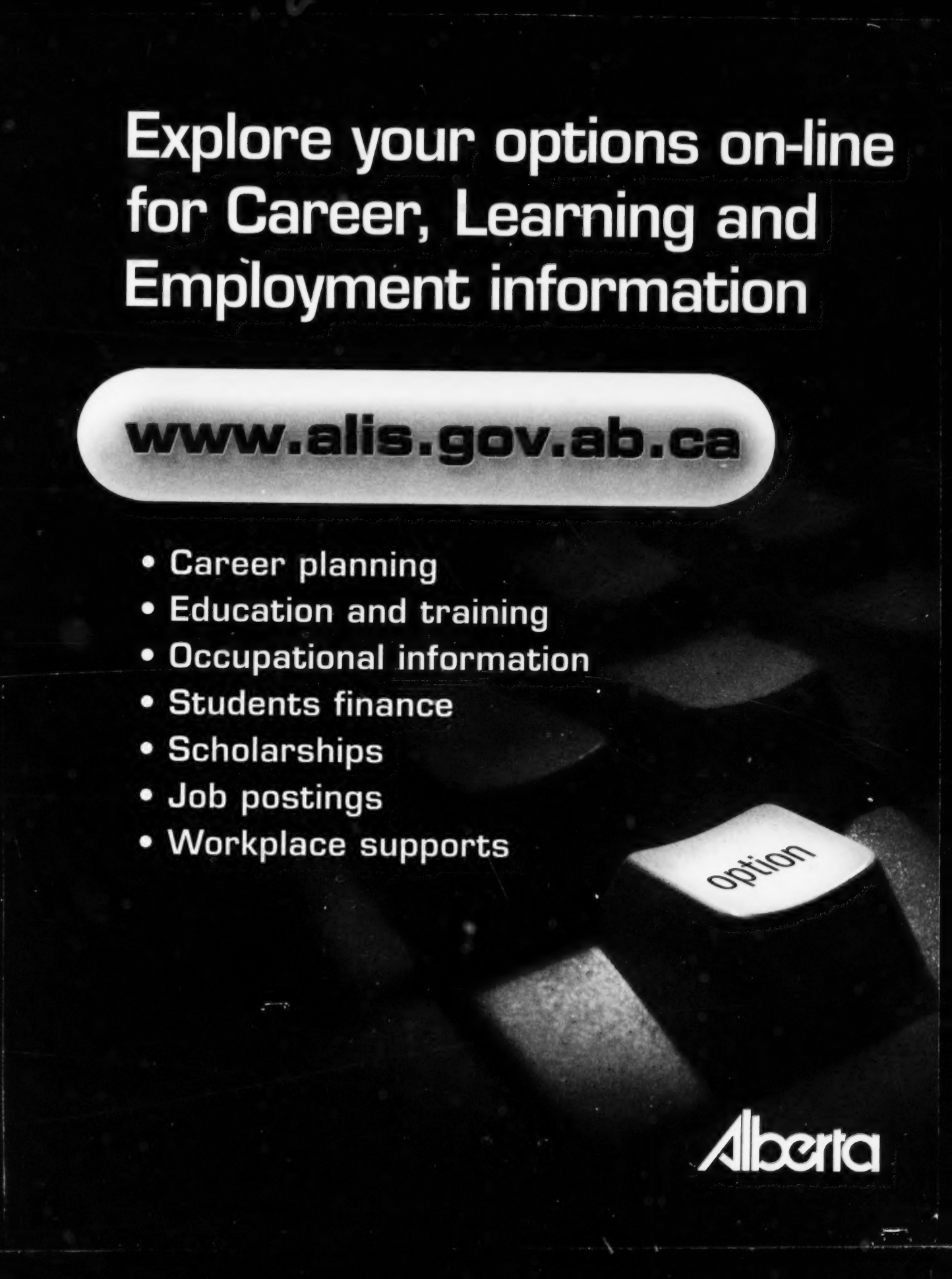
Mail: 12th Floor, South Tower, Capital Health Centre, 10030–107 Street, Edmonton, AB T5J 3E4 OR **Fax:** (780) 422-5319

To view a complete list of our publications, visit www.alis.gov.ab.ca/careershop

Explore your options on-line for Career, Learning and Employment information

www.alis.gov.ab.ca

- Career planning
- Education and training
- Occupational information
- Students finance
- Scholarships
- Job postings
- Workplace supports



Alberta

Let's Talk

a guide to resolving workplace conflicts

Whether you're an employer or an employee, this self-help resource will guide you through conflict resolution.

You'll discover ways to settle conflicts and resolve disputes in your work environment and learn when you need to seek outside help. The sooner you take action to resolve conflicts, the better, and the information in this book can help you make it happen!